

REMARKS

By the present amendment, claims 1, 6-8 and 16 have been amended. Claim 5 has been canceled. Claims 21-23 were previously canceled.

Claims 1-4 and 6-20 are currently pending in the application. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejection of Claims 1-3, 14, 15, 18 and 20 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-3, 14, 15, 18 and 20 under 35 U.S.C. § 102(b) as being anticipated by Ferment, PCT Patent Publication No. WO 98/44574. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

In response to the Examiner's remarks, the Applicants have amended claim 1.

The Examiner's attention is directed to the following feature of claim 1 as amended:

a rigid structural shell made of reinforced plastic or polymer material

The Applicants submit that at least the above feature of claim 1 as amended is not taught by Ferment.

Referring to the abstract of Ferment, Ferment teaches a

[b]attery packaging construction of flexible plastic barrier structure (15)[.]

Referring also to lines 17-21 of page 2 of Ferment, the invention of Ferment

relates to battery packaging construction [...] with each sheet composed of multiple layers of flexible plastic[.]

It is apparent that Ferment teaches a flexible plastic packaging for a battery. As such, Ferment does not teach a rigid structural shell made of reinforced plastic or polymer material.

Therefore, at least one feature of claim 1 as amended is not taught by Ferment. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 2, 3, 14, 15, 18 and 20 depending therefrom.

In regard to Rejection of Claims 1-6, 18 and 19 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-6, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by Greenbaum, U.S. Patent No. 5,022,555. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

Claim 5 has been canceled, and as such the Examiner's rejection is moot with respect thereto.

In response to the Examiner's remarks, the Applicants have amended claim 1.

The Examiner's attention is directed to the following feature of claim 1 as amended:

an inner lining substantially impervious to oxygen and humidity

As the Examiner has stated on page 3 of his rejection, Greenbaum "is directed to a container for holding a liquid". However, the Applicants disagree with the Examiner's assertion that "[t]he container [of Greenbaum] is capable of holding an energy storage device and therefore meets this limitation in the preamble of claim 1."

Referring to lines 59-65 of column 1 of Greenbaum,

the system is used for collecting and storing water. The upper surface of the container is covered with a pattern of selected openings which permits the flow of liquid therein regardless of origin, rainfall, storm flow, melting snow, etc. Withdrawal of water is accomplished by means of simple valves and piping.

Referring also to lines 24-27 of column 3 of Greenbaum,

As shown in FIG. 8, after the container 26 is finally assembled, the top of the container may be perforated with an array of small holes to function as a filter(s) to allow water and the like to flow into the container.

Referring also to Figure 8, it is apparent that the container 26 of Greenbaum is permeable to water. Therefore, Greenbaum does not teach a casing comprising an inner lining substantially impervious to oxygen and humidity.

In addition, a person skilled in the art of energy storage devices would know that a container permitting the flow of liquid therein is not suitable for holding an energy storage device. If an energy storage device were placed inside the container 26 of Greenbaum, the container 26 would have to remain impermeable to water to ensure proper functioning of the energy storage device, thereby rendering the container 26 unusable for its stated purpose of collecting and storing water.

Therefore, at least one feature of claim 1 as amended is not taught by Greenbaum. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 2-4, 6, 18 and 19 depending therefrom.

In regard to Rejection of Claims 1, 5, 7, 14, 16, 17, 19 and 20 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 5, 7, 14, 16, 17, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by Kelly, U.S. Patent No. 4,778,074. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

Claim 5 has been canceled, and as such the Examiner's rejection is moot with respect thereto.

Claim 1 as amended recites:

said structural shell having an outer surface and an inner surface, said inner surface defining a void area suitable for containing an energy storage device

Bearing this in mind, the Examiner's attention is directed to the following feature of claim 1 as amended:

said inner lining including at least one layer of synthetic material joined onto said inner surface of said structural shell

The Applicants submit that at least the above feature of claim 1 as amended is not taught by Kelly.

The Examiner states on page 4 of the rejection that Kelly teaches

a structural shell (2, 4) and an inner lining (32) joined to the inner surface of the shell[...] [...] The cover includes a

reinforcement metallic portion (32) lined with the composite material (6).

As the Applicants understand this rejection, the Examiner asserts that the shallow cup 32 of Kelly is both part of the reinforcement of the structural shell, and the inner lining joined onto the inner surface of the structural shell. The Applicants submit that the shallow cup 32 of Kelly cannot simultaneously be considered part of the structural shell and a lining joined to the structural shell. If the Examiner interprets the shallow cup 32 of Kelly to be part of the rigid structural shell made of reinforced plastic or polymer material, there is no other feature of Kelly that can be considered an inner lining joined to the inside surface of the structural shell. If the Examiner interprets the shallow cup 32 of Kelly to be an inner lining including at least one layer of synthetic material, the shallow cup 32 is not joined to a structural shell made of reinforced plastic or polymer material. Therefore, regardless of the Examiner's interpretation of Kelly, Kelly does not teach an inner lining including at least one layer of synthetic material joined onto an inner surface of a structural shell as claimed.

Therefore, at least one feature of claim 1 as amended is not taught by Kelly. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 7, 14, 16, 17, 19 and 20 depending therefrom.

In regard to Rejection of Claims 8-13 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 8-13 under 35 U.S.C. § 103(a) as being unpatentable over Greenbaum. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

The Examiner's attention is directed to the following feature of claim 1 as amended:

said inner lining including at least one layer of synthetic material joined onto said inner surface of said structural shell

As discussed above with respect to claims 1, 5, 7, 14, 16, 17, 19 and 20, at least the above feature of claim 1 is not taught by Greenbaum.

This deficiency in Greenbaum is not remedied by the Examiner's assertion that

Greenbaum teaches that the layers of the lining and/or shell may comprise metallized films. Although the specific implementation and configuration of the metallized films is not

disclosed by Greenbaum, it would be well within the skill of the art to use “discrete portions” as opposed to a continuous portion when constructing the container of Greenbaum.

The Applicants further disagree with the Examiner’s assertion. Referring to lines 49-51 of column 5 of Greenbaum,

radiation reflecting surfaces such as metallized films all may be used either alone or in combination.

It is apparent that Greenbaum teaches using a metallized film to reflect radiation. A person skilled in the art would understand that a metallized film used for the purpose of reflecting radiation is a thin sheet or film of metal that does not provide reinforcement to the material on which it is applied. As such, even if the radiation-reflecting film of Greenbaum were modified to be in discrete portions, it would still provide no reinforcement, nor would its presence suggest to a person skilled in the art to use metallic portions for the purpose of reinforcement. In addition, providing the metallic film of Greenbaum in discrete portions rather than as a single film would defeat the stated purpose of reflecting radiation, because the gaps between the discrete portions would allow radiation to pass through unreflected.

Therefore, at least one feature of claim 1 as amended is not taught by Greenbaum or the Examiner’s assertion, alone or in combination, without admitting the correctness of the Examiner’s assertion. As such, the Examiner is requested to withdraw his rejection of claims 8-13 depending from claim 1.

Support for amendments

By the present amendment, claim 1 has been amended to incorporate therein features that were previously recited in claim 5. As a result of this amendment, claim 5 has been canceled, and claims 6-8 have been amended to correct their dependencies.

By the present amendment, claim 1 has been amended to recite the inner surface defining a void area suitable for containing an energy storage device. This amendment was made for the purpose of clarity and grammatical accuracy, and not for reasons relating to patentability.

By the present amendment, claim 1 has been amended to recite a rigid structural shell. This amendment is supported by the application as originally filed, in particular paragraph [0031]:

As illustrated, the design of outer surface 22 of the structural shell 12 provides a series of ribs 26 to reinforce and rigidify the shell 12 while minimizing weight. The structural shell 12 must be sufficiently strong to protect the energy storage device inside against shocks, impacts and abusive treatments.

In view of the above amendments and remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

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